

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HILLARY A. KACIAN,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 3:12-cv-102
v.)	
)	JUDGE KIM R. GIBSON
MEGAN J. BRENNAN,)	
Postmaster General,)	(<i>Electronic Filing</i>)
U.S. Postal Service,)	
)	
Defendant.)	

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE CERTAIN
TESTIMONY OF WITNESS JOSEPH SAROSI**

AND NOW, comes Defendant, by her attorneys, Soo C. Song, Acting United States Attorney for the Western District of Pennsylvania, and Paul D. Kovac, Assistant United States Attorney, and submits the following Motion in Limine requesting the exclusion of certain testimony by Plaintiff's witness, Joseph Sarosi.

Mr. Sarosi was Plaintiff's union representative at the time of her termination. Plaintiff has indicated that Mr. Sarosi will testify about the cases of other employees at the Johnstown Post Office, the various infractions committed by these employees, and his opinion that these employees were treated more favorably than Plaintiff. This evidence is improper lay opinion pursuant to Federal Rule of Evidence 701, that amounts to mere speculation that will distract jurors from making an independent determination regarding Plaintiff's alleged retaliation. Additionally, this testimony is premised upon comparable employees that are not similarly situated to Plaintiff, and its introduction is not relevant nor probative of the main issue in the case. *See* Fed. R. Evid. 401, 403.

Accordingly, Defendant respectfully requests that the Court exclude all testimony by Mr. Sarosi that discusses the cases of other employees and the “types of infractions that led to discipline in the Johnstown office.” Dkt. No. 58 at p. 1. Moreover, Mr. Sarosi should not be permitted to testify that Plaintiff and Mr. Hamonko were “the only transitional employees who had been terminated since he became president in 2009” *Id.*

A Memorandum of Law is being filed simultaneously herewith. A proposed Order is attached.

Respectfully submitted,

SOO C. SONG
Acting United States Attorney

s/Paul D. Kovac
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Dated: February 21, 2017

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Defendant's Motion in Limine and Brief to Exclude Certain Evidence of Witness Joseph Sarosi was electronically filed and/or mailed, postage-prepaid, this 21st day of February, 2017, to the following:

Adam R. Gorzelsky, Esquire
Williams Law Offices
101 North Main Street, Suite 106
Greensburg, PA 15601

s/Paul D. Kovac
PAUL D. KOVAC
Assistant U.S. Attorney